




**EAST BAY REGIONAL PARK DISTRICT
BOARD LEGISLATIVE COMMITTEE
AGENDA STAFF REPORT**

DATE	September 30, 2024
TITLE	Recommendation to Support Proposition 5: Local Bonds for Affordable Housing and Public Infrastructure with 55% Voter Approval
DIVISION	General Manager's Office
FROM	Erich Pfuehler, Chief of Government and Legislative Affairs Dr. Ana M. Alvarez, Deputy General Manager
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The Board Legislative Committee concurs with the General Manager's recommendation to support Proposition 5 – Local Bonds for Affordable Housing and Public Infrastructure with 55% Voter Approval.

BACKGROUND

Proposition 5 would modify the voter threshold needed to approve local revenue enhancement and bond measures from the current 2/3rds to 55%. This proposition will appear on the November 5, 2024, as a result of ACA I (Aguiar-Curry D-Winters) being modified by ACA 10 (Aguiar-Curry D-Winters) which was Chaptered by the Secretary of State on June 27, 2024. It passed the Assembly by 68.4% and Senate by 77.5%, thus meeting the 2/3rds requirement to pass the legislature. This amendment to the California Constitution also requires 50% + 1 approval by the voters. This amendment is patterned after the thresholds required for local school bonds. Prop. 5 contains many safeguards to protect taxpayer investments including:

- Funds generated need to be for the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing projects.
- Local spending plans must specify projects and scope of investment.
- Annual and publicly accessible audits of funds generated.
- Appointment of a citizen's oversight committee to oversee expenditures.

The amendment also states that if approved it would apply to any relevant local bond measures also on the ballot on November 5, 2024.

The Park District took a support position on ACA I with resolution 2023-10-206 on October 3, 2023.

ANALYSIS

The amendment defines affordable housing as "housing developments, or portions of housing developments, that are affordable to individuals, families, seniors, people with disabilities, veterans, or first-time homebuyers, who are lower income households or middle-income households earning up to 150 percent of countywide median income, as those terms are defined in state law." Affordable housing would also include down payment assistance programs, first-time homebuyer programs, permanent supportive housing and facilities used to serve residents of affordable housing. Public infrastructure includes "facilities for the delivery of public services, including education, police, fire protection, parks,

recreation, open space, emergency medical, public health, libraries, flood protection, streets or highways, public transit, railroad, airports and seaports.” It also includes water quality, sanitation, treatment of wastewater, protection of property from sea level rise, projects identified by the State or local government for recovery from natural disaster and equipment related to fire suppression. Special Districts are eligible to incur bonded indebtedness under this amendment’s 55% threshold.

The inclusion of Special Districts, parks and recreation facilities and open space would enable the Park District to enact bond measures by 55% of the vote for infrastructure. Visitor use facilities could be built, improved or enhanced by the funding. Specifically, “for the construction, reconstruction, rehabilitation or replacement of public infrastructure, ... or the acquisition or lease of real property for public infrastructure.” Given the language of the proposition, deferred maintenance, land acquisition and sea level rise resilience could all potentially fall under the umbrellas of rehabilitation/replacement/reconstruction of public infrastructure and/or acquisition for public infrastructure. Funds could also be used for fire suppression, emergency response and interoperable communications equipment. Additionally, funds could likely be used for nature-based infrastructure projects which build resilience to sea level rise. The Park District has historically exceeded 55% when it has advanced ballot measures. Proposition 5 would be a net benefit for enacting future Park District bond measures.

FISCAL IMPACT

None.

ATTACHMENTS

None.